

REMARKS

Claims 1 to 6 are pending in the present application.

Claims 1 to 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,671,563 issued to Engelson et al. ("*Engelson*").

Rejection of Claims 1 to 5 under 35 U.S.C. § 102(e)

Claims 1 to 5 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Engelson*. Applicants traverse this rejection.

Independent claims 1 and 5 require, in part, providing a handheld computing device with means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label. Claims 1 and 5 also require, in part, that the handheld computing device read the prescribed medication data and medication delivery instruction from the first label, and that the handheld computing device read the patient data from the second label. *Engelson* fails to teach or suggest at least these elements of claims 1 and 5.

The portable computer 235 of *Engelson* does not include means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label. Barcode reader 68 is attached to pharmacy CPU 60 that is located in the pharmacy. (Fig. 2, Col. 5, Lines 36-48). Barcode reader 90 similarly is attached to bedside computer 80. (Fig. 2, Col. 6, Lines 36-47). The portable computer 235 of *Engelson* does not include barcode reader 68 or barcode reader 90, nor does *Engelson* suggest same. As such, the portable computer 235 of *Engelson* does not include means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label as required by claims 1 and 5. *Engelson*, therefore, does not anticipate claims 1 and 5. Applicants respectfully request that the rejection of claims 1 and 5 under 35 U.S.C. § 102(e) be withdrawn.

Moreover, *Engelson* does not teach or suggest that the handheld computing device reads the prescribed medication data and medication delivery instruction from the first label, and that the handheld computing device reads the patient data from the second label. As discussed above, the portable computer 235 of *Engelson* does not include means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label. As such, *Engelson* does not teach or suggest a handheld computing device that

reads the prescribed medication data and medication delivery instruction from the first label, and that reads the patient data from the second label. *Engelson*, therefore, does not anticipate claims 1 and 5. Applicants respectfully request that the rejection of claims 1 and 5 under 35 U.S.C. § 102(e) be withdrawn.

Claims 2 to 4 are all dependent claims that depend from claim 1 and include all of the limitations of claim 1. Accordingly, the patentability of each of these claims flows from the patentability of claim 1. Applicants, therefore, respectfully request the rejections of Claims 2 to 4 under 35 U.S.C. § 102(e) over *Engelson* be withdrawn for at least the reasons provided above for Claim 1.

Rejection of Claim 6 under 35 U.S.C. § 102(e)

Claims 6 has been rejected under 35 U.S.C. § 102(e) as being anticipated by *Engelson*. Applicants traverse this rejection.

At the outset, claim 6 is currently amended not for patentability purposes, but to correct grammatical errors that appear in the claim.

Independent claims 6 requires, in part, comparing the medication data to the patient data by a handheld computing device, the handheld computing device having means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label. *Engelson* fails to teach or suggest at least this element of claim 6.

As discussed above, the portable computer 235 of *Engelson* does not include means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label. Barcode reader 68 is attached to pharmacy CPU 60 that is located in the pharmacy. (Fig. 2, Col. 5, Lines 36-48). Barcode reader 90 similarly is attached to bedside computer 80. (Fig. 2, Col. 6, Lines 36-47). The portable computer 235 of *Engelson* does not include barcode reader 68 or barcode reader 90, nor does *Engelson* suggest same. As such, the portable computer 235 of *Engelson* does not include means for reading the prescribed medication data and medication delivery instruction from the first label and patient data from the second label as required by claim 6. *Engelson*, therefore, does not anticipate claim 6. Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. § 102(e) be withdrawn.

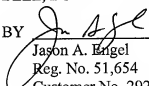
Applicants respectfully submit that this case should be in condition for allowance. Examiner is invited to contact the undersigned Attorney for the Applicants via telephone if such

communication would expedite the allowance of this application. The Commissioner is hereby authorized to charge Deposit Account No. 02-1818 for any fees which are due and owing.

Respectfully submitted,

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BY



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